



California Regional Water Quality Control Board

Los Angeles Region



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Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Notice of Public Meeting/Hearing

Thursday, December 14, 2006

9:00 a.m.

Meeting Location:

The Metropolitan Water District of Southern California

(Board Room)

700 North Alameda Street

Los Angeles, California

Agenda

The Regional Board strives to conduct an accessible, orderly, and fair meeting. During the meeting, the Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals, and may be modified by the Board as a result of public comment or Board member input. Additional information about Regional Board meeting procedures is included after the last agenda item.

To ensure a fair hearing and that the Regional Board Members have an opportunity to fully study and consider written material, unless stated otherwise, written materials must be provided to the Executive Officer ***not later than 5:00 p.m. on December 4, 2006. Please consult the agenda description for specific items, because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedures may result in your materials being excluded from the hearing record; however, failure to timely submit written materials does not preclude a person from testifying before the Board.***

INTRODUCTORY ITEMS

1. **Roll Call.**
2. **Order of Agenda.** The agenda items are numbered for identification purposes only and may not necessarily be considered in this order.
3. **Approval of October 24, 2006 and November 9, 2006 Draft Meeting Minutes.**
[Ronji Harris, (213) 576-6612]
4. **Board Member Communications.**
[Michael Levy, (916) 341-5193]
 - 4.a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.
 - 4.b. Board Member Reports. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.

5. **Executive Officer's Report.**
[Jonathan Bishop, (213) 576-6605]
- 5.a. **Board Checklist.**
6. **Public Forum.** Any person may address the Board regarding any matter within the Board's jurisdiction that does not appear elsewhere on this agenda. Remarks will be limited to five (5) minutes, unless otherwise directed by the Chair.
7. **Uncontested Items Calendar.** Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any person may request that an item be removed from the uncontested calendar. The Chair will determine the appropriate time to consider an item removed from the consent calendar.

UNCONTESTED ACTION ITEMS

Waste Discharge Requirements that Serve as Individual NPDES Permits

Renewal-

- *8. West Basin Municipal Water District- Carson Regional Water Recycling Plant, Carson; NPDES No. CA0064246 (Comment submittal deadline was November 27, 2006) [Jau Ren Chen, (213) 576-6656] (This item is being continued to the January 11, 2007 meeting)

Non-NPDES State Discharge Requirements

Revision-

- *9. Ventura Port District, Maintenance Dredging, Ventura Harbor; (File No. 76-59) (Comment submittal deadline was November 22, 2006) [Michael Lyons (213) 576-6718]

Rescission-

- *10. Crown Valley Community Church Domestic Waste Disposal, Acton (File No. 92-02) [Rodney Nelson, (213) 620-6119]

ACTION ITEMS

Waste Discharge Requirements that Serve as Individual NPDES Permits

Renewal-

11. Chevron Products Company, El Segundo Refinery, El Segundo, CA NPDES No. CA0000337 (Comment submittal deadline was November 30, 2006) [Mazhar Ali, (213) 576-6652]
12. City of Los Angeles (Donald C. Tillman Reclamation Plant), Los Angeles; NPDES No. CA0056227 (Comment submittal deadline was November 2, 2006) [Don Tsai, (213) 576-6665]
13. City of Los Angeles (Los Angeles-Glendale Water Reclamation Plant), Los Angeles; NPDES No. CA0053953 (Comment submittal deadline was November 2, 2006) [Raul Medina (213) 620-2160]

Panel Hearing Recommendation

14. Consideration of Complaint No. R4-2006-0038 for Administrative Civil Liability to assess penalties in the amount of \$216,135 against Rodeo Owner Corporation for violation of Board Order Nos. 97-045 and R4-2003-0111, which serves as a general permit for discharges of groundwater from construction and project dewatering, for exceedances of effluent limitations and reporting violations. *(A hearing was held before a Board member panel on July 27, 2006. The Panel members will provide a report to the full Board and recommend a disposition on this matter, In so doing, the Board may meet in closed session to deliberate pursuant to Government Code section 11123(c)(3)).* [Lala Kabadaian, (213) 620-6370]

15. Consideration of Complaint No. R4-2006-0002 for Mandatory Minimum Penalty against the City of San Buenaventura (Permittee) for violation of Board Order Nos. 00-143 and 00-144. Order No. 00-143 prescribes waste discharge requirement to the Permittee and Order No. 00-144 is a Time Schedule Order providing higher interim limits for copper discharges. *(A hearing was held before a Board member panel on July 27, 2006. The Panel members will provide a report to the full Board and recommend a disposition on this matter including revising the assessment of administrative penalties of \$717,000 to \$585,000. In so doing, the Board may meet in closed session to deliberate pursuant to Government Code section 11123 (c)(3)).* [Russ Colby, (213) 620-6373]

ENFORCEMENT

Administrative Civil Liability

16. Hearing to approve a potential settlement between the Regional Board, the Santa Monica Baykeeper and the County Sanitation Districts of Los Angeles County (Complaint No. R4-2006-0040) for Administrative Civil Liability) assessing penalties in the amount of \$2,500,000 against County Sanitation Districts of Los Angeles County for violation of Regional Board Order No. 97-090, as amended by Order No. 00-043, (NPDES Permit No. CA0053813) and California Water Code (CWC) 13350 and 13376 by discharging raw sewage into navigable waters of the United States and groundwaters of the State. *(After a hearing, the Board will be asked to affirm, modify, or rescind the action.)* [Russ Colby, (213) 620-6373]

Time Schedule Order

17. Consideration of a proposed Time Schedule Order for the City of San Buenaventura Ventura Water Reclamation Facility for tertiary-treated wastewater discharged into the Santa Clara River Estuary; NPDES No. CA0053651 (Comment submittal deadline was November 27, 2006) [Don Tsai, (213) 576-6665]

Other Business

18. Consideration of a tentative Resolution Establishing a Brownfield Subcommittee at the California Regional Water Quality Control Board, Los Angeles Region, strategies to obtain additional resources and to expedite Brownfield remediation. [Jonathan Bishop, (213) 576-6605]

<u>CLOSED SESSION</u>

19. As authorized by the Government Code, the Regional Board will be meeting in closed session. Closed session items are not open to the public. [Michael Levy, (916) 341-5193]
- 19.1 *Cities of Los Angeles, City of Burbank v. Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case Nos. BS 060957 and BS 060960. [Challenging the Burbank, Tillman, and Los Angeles-Glendale Water Reclamation Plants' NPDES permits]. (MJL)
- 19.2 *Cities of Arcadia, et al., v. Los Angeles Regional Water Quality Control Board et al.*, San Diego Superior Court No. GIC 803631 [Challenging the Los Angeles River Trash TMDL]. (MJL)
- 19.3 *In Re Municipal Storm Water Permit for Los Angeles County*, Los Angeles Superior Court Nos. BS 080548, BS080753, BS 080758, BS 080791, BS 080792, BS 080707 [Challenging the Los Angeles County MS4 Permit]. (MJL)
- 19.4 *County of Los Angeles et al. v. Commission on State Mandates et al. and City of Artesia et al. v. State of California*, Los Angeles Superior Court, Nos. BS089769 & BS089785, Second District Court of Appeal No. B183981 [Alleging that the Los Angeles MS4 Permit created an unfunded state mandate]. (MJL)
- 19.5 *Petition by the City of Santa Paula for Failure to Modify Waste Discharge Requirements Order No. 97-041 [NPDES No. CA0054224] for Santa Paula Waste Treatment Plant*, SWRCB File No. A-1591. (RAS)

- 19.6 *In re Halaco Engineering Company*, United States Bankruptcy Court, Central District of California, Northern Division, No. ND-02-12255 RR; [Regarding a CDO and CAO at the Oxnard Property]. (RAS)
 - 19.7 *Cities of Arcadia et al., v. Los Angeles Regional Water Quality Control Board*, Orange County Superior Court No. 06CC02974 [Challenging the 2004 Triennial Review]. (MJL)
 - 19.8 *Cities of Bellflower et al., v. Los Angeles Regional Water Quality Control Board et al.*, Los Angeles Superior Court No BS101732 [Challenging the Los Angeles River and Ballona Creek Metals TMDLs]. (MJL)
 - 19.9 Pursuant to Government code section 11126(e)(2)(C)(i), and based on existing facts and circumstances, the Regional Board is deciding whether to initiate litigation. (RAS)
20. • **Adjournment of Current Meeting.** The next regular meeting is scheduled for January 11, 2007, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California.

NOTICE

Additional information concerning hearing procedures, written submissions, and the record.

Hearing Procedures: The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Any requests for an alternate hearing process should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received prior to the relevant deadline*** established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 12 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs. tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

Accessibility: Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or drenick@waterboards.ca.gov at least ten working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

Challenging Regional Board Actions: Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Regional Board. A petition must be filed within 30 days of the action. Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; ATTN: Elizabeth Miller Jennings, Senior Staff Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

Electronic Information and Updates: Our web site address is www.swrcb.ca.gov/rwqcb4. The site can also be accessed through the State Water Resources Control Board's web site at www.waterboards.gov/losangeles/, then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.

Pending Water Quality Certifications: A listing of pending water quality certification applications currently on public notice pursuant to Section 401 of the Federal Clean Water Act may be obtained by calling Valerie Carrillo at (213) 576-6759.
